

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 1-9 and 11-12 are now pending in this application.

Applicant wishes to thank the Examiner for the careful consideration given to the claims.

Priority

Acknowledgement of the claim for foreign priority under 35 U.S.C. 119(a)-(d) is appreciated. It is respectfully requested that acknowledgement be made that all the certified copies of the priority documents have been received in the next office communication.

Specification

The disclosure is objected to for various informalities. The specification is amended to correct these minor informalities. Favorable reconsideration of the objection is respectfully requested.

Drawings

The drawings are objected to because Fig. 9 is described on page 5, lines 15-16 as being a sectional view taken along IV-IV in Fig. 8. The specification has been amended so as to make clear that Fig. 9 is a sectional view taken along IX-IX in Fig. 8. Therefore, an amendment to Fig. 9 is no longer necessary. Favorable reconsideration of the objection is respectfully requested.

Claim Objections

Claims 1-13 are objected to because of the use of the terms "one member" and "other member." The claims have been amended to remove these terms.

Claim 13 is objected to as being a substantial duplicate of claim 10. Claim 13 is canceled, which renders this objection moot.

Favorable reconsideration of these objections is respectfully requested.

Rejection of claims 1-4 and 12 based on Hatakeyama

Claims 1-4 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,944,156 (“Hatakeyama”). For at least the following reasons, this rejection is traversed.

Claim 1 has been amended to include “wherein said link has a hole at one end portion thereof and an open end slot at the other end portion thereof to form a deformable end portion.” Hatakeyama does not teach or suggest this feature. In particular, Hatakeyama discloses that a drive lever 39 rotates around a rivet 38 after disengaging from its corresponding engaging recess part 37A. Hatakeyama does not teach or disclose that the drive lever has a hole at one end portion and an open end slot at the other. Thus, Hatakeyama does not anticipate all the features of claim 1.

Claims 2-4 and 12 depend from and contain all the limitations of claim 1, and are allowable therewith for at least the same reasons as claim 1 without regard to the further patentable features contained therein.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Rejection of claims 5-8 and 10-11 based on Hatakeyama, Kishibuchi, and Miller

Claims 5-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakeyama in view of U.S. Patent 5,683,299 (“Kishibuchi”) and U.S. Patent 2,673,633 (“Miller”). Claims 5-8 and 10-11 depend from and contain all the limitations of claim 1, which includes the feature “wherein said link has a hole at one end portion thereof and an open end slot at the other end portion thereof to form a deformable end portion.” As previously mentioned above, Hatakeyama does not teach or suggest these features. Also, Kishibuchi and Miller do not teach or suggest these features. In addition, any combination of Hatakeyama, Kishibuchi, and Miller would be improper for at least the following reasons.

First, any combination of Fig. 2A and 2B of Hatakeyama is improper because Hatakeyama explicitly states that the apparatus of Figs. 2A and 2B (which the PTO used as the basis of the rejection) have a number of drawbacks that make its use undesirable. (Column 2, lines 49-55 of Hatakeyama.) In other words, Hatakeyama teaches away from the use of the apparatus of Figs. 2A and 2B. According to the MPEP 2145: “It is improper to combine references where the references teach away from their combination. *In re Grasselli*,

713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)." Because Hatakeyama explicitly teaches the undesirability of using the apparatus of Figs. 2A and 2B, Hatakeyama, in effect, also teaches away from any combination that uses such an apparatus. Thus, any combination involving the apparatus of Figs. 2A and 2B of Hatakeyama is improper.

Second, the combination of Hatakeyama, Kishibuchi, and Miller is improper because there is no motivation for combining the references. The PTO merely asserts that combining Miller and Kishibuchi with Hatakeyama would provide "a torque responsive clutch within a power transmission that disengages at a predetermined torque load with reasonable reliability and having a link fitted with a first and second hole that would allow for a reduction in parts and complexity of the power transmission." This assertion is not a proper motivation because there is no support in the prior art for such an assertion.

According to the MPEP 2143.01:

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). (emphasis added)

The PTO has not established a teaching from the prior art or from general knowledge as to why one with ordinary skill in the art would be motivated to make the alleged combination. Even assuming the teachings of Hatakeyama, Kishibuchi, and Miller can be combined, the mere fact that the references can be combined does not render the resultant combination obvious, as stated in MPEP 2143.01 ("The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).")

Third, one with ordinary skill in the art would not be motivated to combine the teachings of Hatakeyama, Kishibuchi, and Miller because these different devices operate on completely different principles that are not compatible with each other. Figs. 2A and 2B of Hatakeyama (which the PTO relies upon) discloses a drive lever 39 which rotates around a rivet 38 after disengaging from its corresponding engaging recess part 37A. (Column 1, lines 54-67 of Hatakeyama.) Kishibuchi discloses holder members 13 that hold the cylindrical

connection members 7, and the members 7 are released from the holder members 13 during seizing. (Column 9, lines 62-67 of Kishibuchi.) Miller discloses a series of arms 29 secured to an input shaft and having arcuate slots 30 that engage pins 31 for driving the weights 18. (Column 5, lines 18-36 of Miller.) Because Hatakeyama, Kishibuchi, and Miller operate on completely different principles, they are not compatible with each other and one with ordinary skill in the art would not be motivated to combine them in the way that the PTO is suggesting.

For at least these reasons, any combination of Hatakeyama, Kishibuchi, and Miller is improper and does not render claims 5-8 and 11 unpatentable over the prior art.

Claim 10 is canceled which rendered this rejection moot.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Rejection of claim 9 based on Hatakeyama and Montigrand

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakeyama in view of U.S. Patent 1,865,559 (“Montigrand”). Claim 9 depends from and contains all the limitations of claim 1, which includes the feature “wherein said link has a hole at one end portion thereof and an open end slot at the other end portion thereof to form a deformable end portion.” As previously mentioned above, Hatakeyama does not teach or suggest these features. Montigrand does not cure these deficiencies. In addition, any combination of Figs. 2A and 2B of Hatakeyama is improper because Hatakeyama teaches away from the use of the apparatus of Figs. 2A and 2B (which was the basis of the PTO’s rejection). Thus, claim 9 is not rendered unpatentable because any combination of Hatakeyama and Montigrand does not disclose all the features of claims 1 and 9 and any combination involving Figs. 2A and 2B of Hatakeyama is improper. For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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